IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

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WESTERN DISTRICT OF TEXAS
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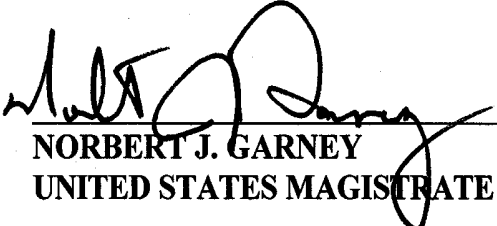|		
UNITED STATES OF AMERICA	)	
	)	
v.	)	EP-11-CR-0300-DB (1)
	)	
JOSE RAMON FELIX VIZCARRA	)	
	)	

ORDER FOR APPOINTMENT OF COUNSEL

The matter of appointment of counsel for appeal was referred by the District Court to Magistrate Judge Norbert J. Garney for determination. Defendant entered a plea of guilty on April 14, 2011, to count one of the indictment charging him with bulk cash smuggling, in violation of 31 U.S.C. § 5332. The District Court sentenced him on June 21, 2011, to a term of imprisonment of thirty (30) months, to be followed by a term of supervised release for three (3) years. A special assessment of $100 was ordered. The fine was waived due to the defendant's inability to pay. Defendant filed a notice of appeal on June 24, 2011. On June 28, 2011, his trial attorney was allowed to withdraw. Defendant has been in federal custody since his arrest in January 2011.

The Court has reviewed the court file and makes the following determinations. Plaintiff qualified for and received appointed counsel to represent him at trial in this case. Although he subsequently retained counsel, there is no indication that he currently has access to or control over assets with which to obtain counsel on appeal. After appropriate inquiry and review, the Court is satisfied that Defendant is financially unable to obtain counsel. *See* 18 U.S.C. § 3006A(b); *United States v. Moore*, 671 F.2d 139, 141 (5th Cir. 1982).

THEREFORE, the Court **FINDS** that Defendant is financially unable to employ counsel to pursue an appeal in this matter, and **CONCLUDES** that he qualifies for court-appointed counsel.

FURTHER, the Court **ORDERS** that Attorney Christopher Antcliff, an attorney licensed to practice in the Western District of Texas, is appointed as counsel to represent Defendant in his appeal.

SIGNED AND ENTERED on July 1, 2011.

NORBERT J. GARNEY
UNITED STATES MAGISTRATE JUDGE